

ORDINANCE NO. 3760

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF AMENDING: (1) ARTICLE III, DEFINITIONS, SECTION 3.100, GENERAL—TO ADD A DEFINITION OF “HEDGE”; (2) ARTICLE V, DISTRICT REGULATIONS, SECTION 5.504, PROPERTY DEVELOPMENT STANDARDS—TO CLARIFY WALL HEIGHTS ON CORNER LOTS IN THE R1-7 DISTRICT; AND (3) ARTICLE VII, GENERAL PROVISIONS, SECTION 7.104, HEIGHT LIMITATIONS ON FENCES, HEDGES, SHRUBBERY, ETC., ON CORNER LOTS—TO CLARIFY HEIGHT LIMITATIONS WITHIN THE SIGHT DISTANCE AREAS ON ALL CORNER LOTS, ALL AS PROVIDED IN CASE NO. 1-TA-2007.

WHEREAS, the Planning Commission held a public hearing on October 10, 2007; and

WHEREAS, the City Council held a public hearing on November 6, 2007, and considered a text amendment to the Zoning Ordinance of the City of Scottsdale, Case No. 1-TA-2007; and

WHEREAS, the City Council finds that it is in the best interests of the City of Scottsdale to adopt the text amendments in Case No. 1-TA-2007;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Section 3.100 of the Basic Zoning Ordinance, relating to definitions for the Basic Zoning Ordinance, is hereby amended to add the following term in alphabetical order:

**Sec. 3.100. Definitions.**

***HEDGE SHALL MEAN SHRUBS, BUSHES OR OTHER LIVING PLANT MATERIAL FORMING A VISUAL OR PHYSICAL BARRIER.***

Section 2. Section 5.504 of the Basic Zoning Ordinance, relating to the property development standards for the R1-7 zoning district is hereby amended to read as follows:

**Sec. 5.504. Property development standards.**

The following property development standards shall apply to all land and buildings in the R1-7 district:

A. *Lot area.*

1. Each lot shall have a minimum area of not less than seven thousand (7,000) square feet.
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. *Lot dimensions.*

1. Width. All lots shall have a minimum width of seventy (70) feet.

C. *Density*. There shall not be more than one (1) single-family dwelling unit on any one (1) lot.

D. *Building height*. No building shall exceed thirty (30) feet in height, except as otherwise provided in article VII.

E. ~~Yards.~~

1. ~~Front Yard.~~

a. ~~There shall be a front yard having a depth of not less than twenty (20) feet.~~

b. ~~Where lots have a double frontage on two (2) streets, the required front yard of twenty (20) feet shall be provided on both streets. These requirements apply to the setbacks only and fences, pools and accessory buildings can be maintained in one (1) yard.~~

c. ~~Where a lot is located at the intersection of two (2) or more streets, there shall be a yard conforming to the front yard requirements on the street with the narrowest frontage and a yard of not less than five (5) feet on the intersecting street. Exception: Where a corner lot abuts a key lot or an alley adjacent to a key lot, there shall be a yard of not less than ten (10) feet on the intersecting street.~~

2. ~~Side Yard.~~

a. ~~There shall be a side yard on each side of a building having an aggregate width of not less than fourteen (14) feet, provided, however, the minimum side yard shall not be less than five (5) feet in width.~~

b. ~~No accessory building shall be located in the required side yard abutting the street. A private garage, whether attached or detached, having perpendicular access from the side street shall be located not less than twenty (20) feet from the side property line abutting said street.~~

c. ~~Attached carports which are structurally integrated with similar or compatible building materials to the roof system of the main building may be constructed on the property line, providing the carport does not abut a carport, garage or similar structure on the adjacent residential lot, and providing the real property owner adjacent to the proposed carport grants to the city a five (5) feet nonbuildable easement to be filed with the planning department. Where there is a conflict between the structure allowed under this section, and Section 5.504.F. (distance between buildings) this side yard regulation shall govern development.~~

3. ~~Rear Yard. There shall be a rear yard having a depth of twenty-five (25) feet or twenty-two (22) feet where the property owner has dedicated a minimum of eight (8) feet for alley purposes.~~

a. ~~The main building or additions to the main building may extend into the required rear yard subject to the following requirements:~~

(1) ~~The main building or additions to the main building shall be set back fifteen (15) feet from the rear property line or twelve (12) feet where the property owner has dedicated a minimum of eight (8) feet for alley purposes.~~

(2) ~~The main building or addition to the main building shall not occupy more than thirty (30) percent of the area between the rear setback line and the rear property line.~~

4. ~~Other requirements and exceptions as specified in article VII.~~

E. **YARDS.**

1. **FRONT YARD. EACH LOT SHALL HAVE A FRONT YARD WITH A MINIMUM DEPTH OF TWENTY (20) FEET.**
  2. **SIDE YARD. EACH LOT SHALL HAVE TWO SIDE YARDS WITH A MINIMUM DEPTH OF FIVE (5) FEET, AND AN AGGREGATE MINIMUM DEPTH OF FOURTEEN (14) FEET.**
  3. **REAR YARD. EACH LOT SHALL HAVE A REAR YARD WITH A MINIMUM DEPTH OF TWENTY-FIVE (25) FEET OR TWENTY-TWO (22) FEET WHERE THE OWNER HAS DEDICATED A MINIMUM OF EIGHT (8) FEET FOR ALLEY PURPOSES.**
  4. **DOUBLE FRONTAGE LOT YARDS. A DOUBLE FRONTAGE LOT SHALL HAVE A FRONT YARD WITH A MINIMUM DEPTH OF TWENTY (20) FEET, AND A REAR YARD WITH A MINIMUM DEPTH OF TWENTY-FIVE (25) FEET. THE ZONING ADMINISTRATOR SHALL DETERMINE WHICH YARD IS THE FRONT YARD OF A DOUBLE FRONTAGE LOT.**
  5. **CORNER LOT YARDS. CORNER LOT YARDS SHALL CONFORM TO THE REQUIREMENTS BELOW:**
    - A. **A CORNER LOT SHALL HAVE A FRONT YARD WITH A MINIMUM DEPTH OF TWENTY (20) FEET ON THE SHORTER STREET FRONTAGE, AND A YARD WITH A MINIMUM DEPTH OF FIVE (5) FEET ON THE LONGER STREET FRONTAGE. HOWEVER, IF A CORNER LOT ABUTS A KEY LOT OR AN ALLEY ADJACENT TO A KEY LOT, THE YARD ON THE LONGER STREET FRONTAGE SHALL HAVE A MINIMUM DEPTH OF TEN (10) FEET.**
    - B. **NO ACCESSORY BUILDING SHALL BE LOCATED IN THE FRONT YARD OR IN THE YARD ON THE LONGER STREET FRONTAGE.**
    - C. **A PRIVATE GARAGE, WHETHER ATTACHED OR DETACHED, WITH PERPENDICULAR ACCESS THROUGH THE YARD ON THE LONGER STREET FRONTAGE SHALL BE LOCATED A MINIMUM OF TWENTY (20) FEET FROM THE RIGHT-OF-WAY LINE.**
  6. **ALL YARDS SHALL CONFORM TO ARTICLE VII.**
- F. *Distance between buildings.*
1. There shall not be less than ten (10) feet between an accessory building and the main building.
  2. The minimum distance between main buildings on adjacent lots shall not be less than fourteen (14) feet.
- G. ~~*Buildings, walls, fences and landscaping.*~~
1. ~~Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard except as provided in article VII and subsection 2 below. The height of the wall or fence is measured from inside of the enclosure.~~
  2. ~~In the front yard walls and fences of maximum six (6) feet in height are allowed provided:~~
    - a. ~~The yard enclosed by such wall or fence shall not include more than forty (40) percent of the area between the front property line and the front setback line.~~
    - b. ~~The wall or fence shall be set back three (3) feet from the front property line.~~
    - c. ~~The provisions of section 7.104 shall apply on corner lots.~~
  3. ~~In the required front yard patio covers are allowed when in conjunction with the enclosure of the front yard subject to the following requirements:~~

- ~~a. The area encompassed by the patio cover shall not include more than twenty (20) percent of the area between the front property line and the front setback line.~~
- ~~b. The patio cover shall be set back a minimum of ten (10) feet from the front property line.~~
- ~~c. The patio cover shall be structurally integrated with similar or compatible building materials to the roof system of the main building.~~
- ~~d. The patio cover shall be constructed so that a minimum of fifty (50) percent of the roof structure is open and unobstructed to the sky.~~
- ~~4. In the required front yard carports attached to the main building are allowed subject to the following conditions:~~
  - ~~a. Access to the carport shall be parallel to the street.~~
  - ~~b. The carport shall be set back a minimum of ten (10) feet from the front property line.~~
  - ~~c. The area encompassed by the carport shall not include more than twenty (20) percent of the area between the front property line and the front setback line.~~
  - ~~d. The carport shall be structurally integrated with similar or compatible building materials to the roof system of the main building.~~
  - ~~e. The carport shall be constructed so that a minimum of twenty-five (25) percent of the front side shall remain open.~~

**G. WALLS, FENCES AND HEDGES.**

- 1. FRONT YARDS. WALLS, FENCES AND HEDGES WITH A MAXIMUM HEIGHT OF THREE (3) FEET ARE ALLOWED ON THE FRONT PROPERTY LINE OR IN THE FRONT YARD. HOWEVER, WALLS, FENCES AND HEDGES WITH A MAXIMUM HEIGHT OF SIX (6) FEET ARE ALLOWED IN THE FRONT YARD IF:**
  - A. NOT MORE THAN FORTY (40) PERCENT OF THE FRONT YARD SET FORTH IN E. ABOVE IS ENCLOSED, AND**
  - B. A MINIMUM SETBACK OF THREE (3) FEET FROM THE FRONT PROPERTY LINE IS PROVIDED.**
- 2. SIDE AND REAR YARDS. WALLS, FENCES AND HEDGES WITH A MAXIMUM HEIGHT OF EIGHT (8) FEET ARE ALLOWED ON THE SIDE OR REAR PROPERTY LINE OR IN THE SIDE OR REAR YARD.**
- 3. CORNER LOT YARDS. EXCEPT AS PROVIDED IN ARTICLE VII, WALLS, FENCES AND HEDGES:**
  - A. WITH A MAXIMUM HEIGHT OF THREE (3) FEET ARE ALLOWED IN THE FRONT YARD OF A CORNER LOT ON THE SHORTER STREET FRONTAGE.**
  - B. WITH A MAXIMUM HEIGHT OF SIX (6) FEET ARE ALLOWED IN THE FRONT YARD OF A CORNER LOT ON THE SHORTER STREET FRONTAGE IF:**
    - (1) NOT MORE THAN FORTY (40) PERCENT OF THE FRONT YARD SET FORTH IN E. ABOVE IS ENCLOSED, AND**
    - (2) A MINIMUM SETBACK OF THREE (3) FEET FROM THE FRONT PROPERTY LINE IS PROVIDED.**
  - C. WITH A MAXIMUM HEIGHT OF SIX (6) FEET ARE ALLOWED:**
    - (1) IN THE YARD ON THE LONGER STREET FRONTAGE BETWEEN THE SETBACK OF THE MAIN BUILDING AND THE REAR PROPERTY LINE, OR**

- (2) ON THE PROPERTY LINE ON THE LONGER STREET FRONTAGE BETWEEN THE SETBACK OF THE MAIN BUILDING AND THE REAR PROPERTY LINE.
4. THE HEIGHT OF ANY WALL, FENCE OR HEDGE IS MEASURED FROM INSIDE THE ENCLOSURE.
- H. MAIN BUILDINGS AND ADDITIONS TO MAIN BUILDINGS.**
1. THE MAIN BUILDING AND AN ADDITION TO THE MAIN BUILDING MAY EXTEND INTO THE REAR YARD IF:
- A. IT IS SET BACK A MINIMUM OF FIFTEEN (15) FEET FROM THE REAR PROPERTY LINE OR TWELVE (12) FEET WHERE THE OWNER HAS DEDICATED A MINIMUM OF EIGHT (8) FEET FOR ALLEY PURPOSES, AND
- B. IT DOES NOT OCCUPY MORE THAN THIRTY (30) PERCENT OF THE AREA OF THE REAR YARD AS SET FORTH IN E. ABOVE.
2. A PATIO COVER IS ALLOWED IN THE FRONT YARD IF:
- A. IT IS STRUCTURALLY INTEGRATED WITH COMPATIBLE BUILDING MATERIALS TO THE MAIN BUILDING'S ROOF,
- B. IT IS SET BACK A MINIMUM OF TEN (10) FEET FROM THE FRONT PROPERTY LINE;
- C. IT DOES NOT ENCOMPASS MORE THAN TWENTY (20) PERCENT OF THE FRONT YARD SET FORTH IN E. ABOVE, AND
- D. A MINIMUM OF FIFTY (50) PERCENT OF THE ROOF STRUCTURE IS OPEN AND UNOBSTRUCTED TO THE SKY.
3. A CARPORT ATTACHED TO THE MAIN BUILDING IS ALLOWED IN THE FRONT YARD IF:
- A. IT IS STRUCTURALLY INTEGRATED WITH COMPATIBLE BUILDING MATERIALS TO THE MAIN BUILDING'S ROOF,
- B. IT IS SET BACK A MINIMUM OF TEN (10) FEET FROM THE FRONT PROPERTY LINE,
- C. IT DOES NOT ENCOMPASS MORE THAN TWENTY (20) PERCENT OF THE FRONT YARD SET FORTH IN E. ABOVE,
- D. ACCESS TO THE CARPORT IS PARALLEL TO THE STREET, AND
- E. IT IS CONSTRUCTED SO THAT A MINIMUM OF TWENTY-FIVE (25) PERCENT OF THE FRONT SIDE SHALL REMAIN OPEN.
4. REGARDLESS OF THE DISTANCE BETWEEN BUILDINGS SET FORTH IN F. ABOVE, A CARPORT ATTACHED TO THE MAIN BUILDING IS ALLOWED IN THE SIDE YARD AND ON THE SIDE PROPERTY LINE IF:
- A. IT IS STRUCTURALLY INTEGRATED WITH COMPATIBLE BUILDING MATERIALS TO THE MAIN BUILDING'S ROOF,
- B. IT DOES NOT ABUT A CARPORT, GARAGE OR SIMILAR STRUCTURE ON THE ADJACENT LOT, AND
- C. THE OWNER ADJACENT TO THE PROPOSED CARPORT GRANTS TO THE CITY A FIVE (5) FOOT WIDE NONBUILDABLE EASEMENT TO BE FILED WITH THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT.
- III. Access.** All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

Section 3. Section 7.104 of the Basic Zoning Ordinance, relating to height limitations on walls, fences, shrubbery and structures on corner lots shall be amended to read as follows:

**Sec. 7.104. Height limitations on WALLS, fences, ~~hedges, shrubbery, etc.~~, LANDSCAPE MATERIALS AND STRUCTURES on corner lots.**

- ~~A. As an aid to freer safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrian, operators of vehicles and for property, for proposed construction hereafter, there shall be limitations on the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixture construction and planting on corner lots in all districts where front yards are required.~~
- ~~1. Such barriers to clear unobstructed vision at corners of intersecting streets shall be limited to a height of not over two (2) feet above the established elevation of the nearest street line, for a distance of twenty-five (25) feet along both the front and side lot lines, measured from the point of intersection, of the said intersecting lot lines.~~
  - ~~2. Within the isosceles triangle formed as required in paragraph 1 of this section, by connecting the ends of the respective twenty-five-foot distances, all the fixtures, construction, hedges, shrubbery and other planting shall be limited to a height not over two (2) feet above the elevation of the street line level at the said intersecting streets.~~
  - ~~3. Within the said triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two (2) feet above the established street line elevation at the said intersecting streets.~~
- A. THE HEIGHT OF WALLS, FENCES, HEDGES, LANDSCAPE MATERIALS, GATEWAYS AND STRUCTURES ON CORNER LOTS WHERE FRONT YARDS ARE REQUIRED, IS LIMITED, TO ENHANCE SAFE VEHICULAR MOVEMENT; AND HELP PROTECT THE SAFETY OF CHILDREN, PEDESTRIANS, DRIVERS AND PASSENGERS, PERSONAL AND REAL PROPERTY.**
- B. WALLS, FENCES, HEDGES, LANDSCAPE MATERIALS, GATEWAYS AND STRUCTURES SHALL NOT:**
- 1. OBSTRUCT CLEAR VISION AT CORNERS OF INTERSECTING STREETS, AND**
  - 2. EXCEED TWO (2) FEET IN HEIGHT ABOVE THE ELEVATION OF THE NEAREST STREET LINE, FOR A DISTANCE OF TWENTY-FIVE (25) FEET ALONG BOTH LOT LINES, MEASURED FROM THE POINT OF INTERSECTION OF THE LOT LINES.**
- C. ALSO, WITHIN THE ISOSCELES TRIANGLE FORMED BY CONNECTING THE ENDS OF THE RESPECTIVE TWENTY-FIVE-FOOT DISTANCES DESCRIBED IN B ABOVE, NO WALL, FENCE, HEDGE, LANDSCAPE MATERIAL, GATEWAY OR STRUCTURE SHALL EXCEED TWO (2) FEET IN HEIGHT ABOVE THE ELEVATION OF THE STREET LINE LEVEL AT THE INTERSECTING STREETS.**

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 6th day of November, 2007.

ATTEST:

CITY OF SCOTTSDALE, an  
Arizona Municipal Corporation

By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Deborah Robberson  
City Attorney